DETAILED ACTION

1.   The following is a Non-Final Office Action in response to communications

received November 11, 2009. Claims 2 and 17-20 have been canceled. Claims 1 and

21 have been amended. No new claims have been added. Therefore, claims 1, 3-16

and 21-22 are pending and addressed below.

Continued Examination Under 37 CFR 1.114

2.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17 (e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission has been

entered.

Response to Arguments/Amendments

3.   Applicant's arguments filed September 21, 2009 have been fully considered but

they are not persuasive. In the remarks the applicant argues (1) the prior art Albrecht

does not teach creating the financial account in association with a terminal from which

the financial service is being created (2) the Office action fails to establish a prima facie

case for combining Korman and Albrecht.

        In response to argument (1) the prior art Albrecht does not teach creating the

financial account in association with a terminal from which the financial service is being

created, the examiner respectfully disagrees. In the previous Office Action the rejection

was made that US Patent No. 6,308,887 by Korman (Kor) in view of US Patent No.

5,084,180 by Albrecht (Al) further in view of US Patent No. 6,105,007 by Norris (Nor).

Kor in combination with Al teaches explicitly the claimed feature. Kor explicitly teaches

receiving a financial service selection from a customer via the user interface during a

session with the terminal ((Kor) FIG. 2-3; Col 5 lines 39-55, Col 8 lines 26-35).

   Kor teaches a transaction system capable of processing a number of variety of

transactions wherein messages are sent to a variety of service provider in their

message formats and based on the message received executes the transaction with the

selected provider which encompasses card distribution. Albrecht teaches providing

from a service provider a secondary account (represented by a gift card) funded by a

primary account. The applicant arguments are directed solely toward the prior art and

not toward the combination of the prior art which the examiner maintains explicitly

teaches the limitation argued. One cannot show nonobviousness by attacking

references individually where the rejections are based on combinations of references. In

re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re Merck & Co., Inc., 800 F.2d

1091, 231 USPQ 375(Fed. Cir. 1986). The rejection is maintained.

   In response to argument (2) the Office action fails to establish a prima facie case

for combining Korman and Albrecht, the examiner respectfully disagrees. Korman

teaches a transaction system capable of processing a variety of transactions wherein

messages are sent to a variety of service provider in their message formats and based

on the message received executes the transaction with the selected provider which

encompasses card distribution. The prior art Korman explicitly teaches a

cash/multimedia dispenser which dispenses prepaid phone cards. Albrecht teaches a

system which creates gift cards from a primary account and teaches the motivation of

solving the issues of inconvenience, cost and security issues involve with typical

method for acquiring negotiated instruments purchased at the location of any offering

institution.   Therefore, the prior art provides some teaching, suggestion, or motivation

that would have led one of ordinary skill to modify the prior art reference or to combine

prior art reference teachings (applying a known technique to a known device (method,

or product) ready for improvement to yield predictable results) to arrive at the claimed

invention. See MPEP § 214 3. The rejection is maintained.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

6.   **Claims 1, 3-8, 10-16 and 21-22 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,308,887 by Korman (Korman), in view of US Patent No. 5,984,180 by Albrecht (Albrecht) and further in view of US Patent No. 6,105,007 by Norris (Nor).**

In reference to Claim 1:

Korman teaches:

(Currently Amended) A terminal that can be operated by a merchant to provide a plurality of financial services to a customer, the terminal comprising: a data input interface (i.e. ATM/credit/debit card reader with smartchip read/write capability, see col 5, lines 55-67); a user interface (i.e. monitor, touch screen, keyboard, etc, see col 4, lines 49-67); a network interface configured to communication with a server (i.e. communications links, see col 7, lines 10-30); and a processor coupled to said data input interface, said user interface and said network interface (i.e. computer, see col 6, lines 46-67), the processor being operable to: receive a financial service selection from a customer via the user interface during a session with the terminal (see FIG. 2-3; col 4, lines 49-67, note that the user may make indicate choices; Col 5 lines 39-55, Col 8 lines 26-35)..., extract session data from a data source associated with the customer through said data input interface (see col 5, lines 55-67, note that the card reader has read/write capability for increasing/decreasing stored value amounts, note also the reading of MICR data); provide said session data to said server (see col 5, line 67- col 6, line 1);... and provide during the session and at least partially via the terminal the selected

financial service... (see FIG. 2-3; col 4, lines 49-67, note that the user may make

indicate choices; Col 5 lines 39-55, Col 8 lines 26-35)...,

Korman does not explicitly teach:

  ...the financial service requiring the creation of a financial account;.., receive an

authorization from said server to provide the selected financial service and for creating

the financial account, the authorization including the server validating the session data

against at least one requirement for providing the selected financial service and

qualifying the customer for the financial account applying the session data to a risk

model comprising underwriting criteria; ...including the creation of the financial account.

Albrecht teaches:

  ...the financial service requiring the creation of a financial account (see col 4, line

10-col 5, line 36, note that upon authorization, a secondary account is created);...

receive an authorization from said server to provide the selected financial service and

for creating the financial account (see col 4, line 10-col 5, line 36, note that the CPU

issues an instruction for the creation of a second account, see also col 5, lines 45-60,

and col 6, lines 9-12 note that once the secondary account is created, a credit

instrument is created and sent to the purchaser), the authorization including the server

validating the session data against at least one requirement for providing the selected

financial service (see col 4, line 10-col 5, line 36, note that the authorization data is

compared against that on file for authorization purposes, note also the check against

established parameters) and ...underwriting criteria (see col 4, line 10-col 5, line 36,

note that the underwriting criteria include credit limit and minimum/maximum criterion);

and provide the selected financial service including the creation of the financial account

(see col 5, line 45-col 6, line 28, note that the secondary account is created and the

card is sent to the purchaser or authorized user who may use it for future credit gift card

transactions)

Albrecht suggest:

    ... qualifying the customer for the financial account by applying the session data

to a risk model comprising underwriting criteria...((Albrecht) Col 4 lines 45-55).

Nor teaches:

    ... qualifying the customer for the financial account by applying the session data

to a risk model comprising underwriting criteria...((Nor) in at least Col 6 lines 45-52, Col

7 lines 1-35)

    Korman teaches a transaction system capable of processing a variety of

transactions wherein messages are sent to a variety of service provider in their

message formats and based on the message received executes the transaction with the

selected provider which encompasses card distribution. The prior art Korman explicitly

teaches a cash/multimedia dispenser which purchases and dispenses prepaid phone

cards. Albrecht teaches a system which creates gift cards from a primary account and

teaches the motivation of solving the issues of inconvenience, cost and security issues

involve with typical method for acquiring negotiated instruments purchased at the

location of any offering institution.   Therefore, the prior art provides some teaching,

suggestion, or motivation that would have led one of ordinary skill to modify the prior art

reference or to combine prior art reference teachings (applying a known technique to a

known device (method, or product) ready for improvement to yield predictable results) to arrive at the claimed invention (i.e. expand the purchase and dispersing of prepaid phone cards of Kor with the method of providing credit from a primary credit account to a secondary account negotiated instrument). See MPEP § 214 3.

Both the combination and Nor are explicitly directed toward determining credit extended and teach authorization data required for the credit to be granted. Nor teaches the motivation of providing an automated application, underwriting and transfer of funds system in order to provide greater convenience to the customer requesting extensions of credit. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the prior art teachings as there is teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention. See MPEP § 214 3

In reference to Claim 3:

The combination teaches:

(Previously Presented) The terminal of claim 1 (see rejection of claim 1 above), wherein said processor is further operable to: update said session data based at least in part on the provision of the financial service and the validation (see Albrecht, see col 5, lines 14-44, note that the primary account is billed based on the establishment of credit for the second account); and write the updated session data to the data source through the data interface (see Korman, col 5, lines 55-67, note the write functionality in combination with the ability to increase or decrease the stored dollar amount).

(see rationale supporting obviousness and motivation to combine of claim 1 above)

In reference to Claim 4:

The combination teaches:

 (Previously Presented) The terminal of claim 1 (see rejection of claim 1 above), wherein said processor is further operable to: update said session data based at least in part on the validation (see Albrecht, see col 5, lines 14-44, note that the primary account is billed based on the establishment of credit for the second account); and write the updated session data to the data source through the data interface (see Korman, col 5, lines 55-67, note the write functionality in combination with the ability to increase or decrease the stored dollar amount).

(see rationale supporting obviousness and motivation to combine of claim 1 above)

In reference to Claim 5:

The combination teaches:

 (Original) The terminal of claim 1 (see rejection of claim 1 above), wherein said processor is further operable to: update said session data based at least in part on the provision of the financial service (see Albrecht, see col 5, lines 14-44, note that the primary account is billed based on the use of credit for the second account); and write the updated session data to the data source through the data interface (see Korman, col 5, lines 55-67, note the write functionality in combination with the ability to increase or decrease the stored dollar amount).

(see rationale supporting obviousness and motivation to combine of claim 1 above)

In reference to Claim 6:

The combination teaches:

(Original) The terminal of claim 1 (see rejection of claim 1 above), wherein said

data interface includes a magnetic card reader (see Korman col 5, lines 55-67, note the

MICR reading features).

(see rationale supporting obviousness and motivation to combine of claim 1 above)

In reference to Claim 7:

The combination teaches:

(Original) The terminal of claim 1 (see rejection of claim 1 above), wherein said

data interface includes a bar code reader (see Korman col 5, lines 53-67, note the bar

code reading feature).

(see rationale supporting obviousness and motivation to combine of claim 1 above)

In reference to Claim 8:

The combination teaches:

(Original) The terminal of claim 1 (see rejection of claim 1 above), wherein said

data input interface includes a scanner (see Korman col 5, lines 53-67, note the MICR

reader. This fairly suggests a scanner in so far as the magnetic data is both read and

decoded. See also col 8, lines 13-19, note that payment is possible with cash, fairly

suggesting a scanner since the images of the bills would need to be scanned in

recognized in order to determine their amounts).

(see rationale supporting obviousness and motivation to combine of claim 1 above)

In reference to Claim 10:

The combination teaches:

(Original) The terminal of claim 1 (see rejection of claim 1 above), wherein said at least one financial service includes generating a pre-paid card (i.e. gift credit cards of Albrecht, see col 5, lines 37-44, note that they are prepaid in so far as the entire amount may be debited at one time, note also the phone cards below).

(see rationale supporting obviousness and motivation to combine of claim 1 above)

In reference to Claim 11:

The combination teaches:

(Original) The terminal of claim 1 (see rejection of claim 1 above), wherein said at least one financial service includes granting approval for accepting a check (see Korman, col 5, line 60-col 6, line 4).

In reference to Claim 12:

The combination teaches:

(Original) The terminal of claim 1 (see rejection of claim 1 above), wherein said at least one financial service includes providing cash to a customer (see Korman col 6, lines 1-4, note the dispensing of money, see also col 5, lines 39-40).

(see rationale supporting obviousness and motivation to combine of claim 1 above)

In reference to Claim 13:

The combination teaches:

(Original) The terminal of claim 1 (see rejection of claim 1 above), wherein said at least one financial service includes performing a transfer of funds between a first and second account (see Korman col 5, lines 53-66 in combination with col 8, lines 13-36, note that the combination fairly suggests the purchase of various items via check. This

is a transfer of funds in so far as it is fairly suggested that the account related to the

check will be credited to the merchandisers account during a suggested clearing

process).

(see rationale supporting obviousness and motivation to combine of claim 1 above)

In reference to Claim 14:

The combination teaches:

    (Original) The terminal of claim 1 (see rejection of claim 1 above), wherein said at

least one financial service includes transferring the stored value on a first stored-value

card to the balance on a second stored value card (see Korman col 5, lines 52-67 in

combination with col 8, lines 13-18).

In reference to Claim 15:

The combination teaches:

    (Previously Presented) The terminal of claim 1 (see rejection of claim 1 above),

wherein said at least one financial service includes receiving information identifying the

recipient of the bill, the amount of a bill, the source of funds for making the payment of

the bill and then executing the payment of the bills (see Korman col 5, lines 60-67 in

combination with col 8, lines 13-19).

(see rationale supporting obviousness and motivation to combine of claim 1 above)

In reference to Claim 16:

The combination teaches:

(Original) The terminal of claim 1 (see rejection of claim 1 above), wherein said at least one financial service includes generating a pre-paid telecommunications card (see col 5, lines 51-53).

(see rationale supporting obviousness and motivation to combine of claim 1 above)

In reference to Claim 21:

Kor teaches:

(Currently Amended) A system for providing financial services, the system including a terminal and a server coupled said terminal, the system comprising: said terminal being operated by a merchant and having a first network interface configured to interface to said server and a data interface configured to receive, during a session with the terminal ((Korman) FIG. 1-2; Col 5 lines 39-55, Col 8 lines 26-35)a data source associated with a customer and being operable to (see Korman col 7, lines 11- 30): extract session data from said data source via said data interface (see Korman col 5, lines 55-67, note that the card reader has read/write capability for increasing/decreasing stored value amounts, note also the reading of MICR data); receive a financial service selection, ((Korman) in at least FIG. 1-2; Col 8 lines 26-35) ... and perform during the session,said selected financial service ((Kor)in at least FIG. 1-2; Col 8 lines 26-35)... and said server having a second network interface configured to interact said terminal and being operable to (see Korman col 7, lines 11-30): receive session data from said terminal via said second network interface (see Korman col 5, line 67-col 6, line 1))... establish, during the session, said financial account proximate to the validation of the financial service selection ((Kor) in at least FIG. 1-3; Col 3 lines 63-Col 4 lines 20; Col 8

lines 26-35) ; identify additional financial services that are available based on the

session data (see Korman col 10, lines 39-44, note that the invention may be used to

supply information based on the identity of the user); detect fraudulent or suspicious

activity associated with the financial account (see Korman col 5, lines 15-29, col 6, lines

19-35, col 7, lines 39-43 note that fraud is detected/prevented via the use of PIN,

biometric and tampering sensors/alarms); and send a validation notice to said terminal

via said network interface (see Korman, col 5, line 67-col 6, line 4, note that the FSP

authorizes the debit, which allows the terminal to dispense money).

Kor does not explicitly teach:

        ... the financial service requiring the creation of a financial account; obtain

validation from said server; and perform said selected financial service;... authorize the

creation of the financial account and the provision of the selected financial service

based in part on said session data by validating the session data against at least one

requirement for providing the selected financial service and qualifying the customer for

the financial account by applying at least a portion of said session data to a risk model

comprising underwriting criteria alter a parameter of the financial account based on

aggregated data from other financial accounts and the risk model; ...(see Albrecht col 5,

lines 8-17, note that the secondary account is created after the authorization process is

successfully completed

Albrecht teaches:

        ... the financial service requiring the creation of a financial account (see Korman

col 4, lines 49-67, note that the user may make indicate choices in combination with

Albrecht col 4, line 10-col 5, line 36, note that upon authorization, a secondary account

is created); obtain validation from said server (see Albrecht col 4, line 10-col 5, line 36,

note that the CPU issues an instruction for the creation of a second account, see also

col 5, lines 45-60, and col 6, lines 9-12 note that once the secondary account is created,

a credit instrument is created and sent to the purchaser); and perform said selected

financial service (see Albrecht col 5, line 45-col 6, line 28, note that the secondary

account is created and the card is sent to the purchaser or authorized user who may

use it for future credit gift card transactions);... authorize the creation of the financial

account and the provision of the selected financial service based in part on said session

data by validating the session data against at least one requirement for providing the

selected financial service (see Albrecht, col 4, line 10-col 5, line 36);... alter a parameter

of the financial account based on aggregated data from other financial accounts and the

risk model (see Albrecht col 5, lines 37-44 in combination with col 4, line 53- col 5, line

13, note that the primary account is charged, based on the a determination that the

transaction is within a prescribed minimum and maximum and less than the available

credit of the primary account, note that it is fairly suggested that the credit limit is the

result of the risk model in so far as a credit limit is the extent to which the lending entity

is willing to risk lending its assets to the account holder); establish said financial account

proximate to the validation of the financial service selection (see Albrecht col 5, lines 8-

17, note that the secondary account is created after the authorization process is

successfully completed

Nor teaches:

... and qualifying the customer for the financial account by applying at least a protion of said session data to a risk model comprising underwriting criteria...((Nor) in at least Col 6 lines 45-52, Col 7 lines 1-35)

Korman teaches a transaction system capable of processing a variety of transactions wherein messages are sent to a variety of service provider in their message formats and based on the message received executes the transaction with the selected provider which encompasses card distribution. The prior art Korman explicitly teaches a cash/multimedia dispenser which purchases and dispenses prepaid phone cards. Albrecht teaches a system which creates gift cards from a primary account and teaches the motivation of solving the issues of inconvenience, cost and security issues involve with typical method for acquiring negotiated instruments purchased at the location of any offering institution. Therefore, the prior art provides some teaching, suggestion, or motivation that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings (applying a known technique to a known device (method, or product) ready for improvement to yield predictable results) to arrive at the claimed invention (i.e. expand the purchase and dispersing of prepaid phone cards of Kor with the method of providing credit from a primary credit account to a secondary account negotiated instrument). See MPEP § 214 3.

Both the combination and Nor are explicitly directed toward determining credit extended and teach authorization data required for the credit to be granted ((Albrecht) see Albrecht col 5, lines 37-44 in combination with col 4, line 53- col 5, line 13, note that the primary account is charged, based on the a determination that the transaction is

within a prescribed minimum and maximum and less than the available credit of the

primary account, note that it is fairly suggested that the credit limit is the result of the

risk model in so far as a credit limit is the extent to which the lending entity is willing to

risk lending its assets to the account holder). Nor teaches the motivation of providing a

automated application, underwriting and transfer of funds system in order to provide

greater convenience to the customer requesting extensions of credit. Therefore, it would

have been obvious to one of ordinary skill in the art at the time of the invention to

combine the prior art teachings as there is teaching, suggestion, or motivation in the

prior art that would have led one of ordinary skill to modify the prior art reference or to

combine prior art reference teachings to arrive at the claimed invention. See MPEP §

2143.

In reference to Claim 22:

The combination teaches:

(Original) The system of claim 21 (see rejection of claim 21 above), wherein said

terminal is further operable to update said session data after performing said selected

financial service (see Albrecht, see col 5, lines 14-44, note that the primary account is

billed based on the use of credit for the second account) and send said updated session

data to said data source via said data interface. (see Korman, col 5, lines 55-67, note

the write functionality in combination with the ability to increase or decrease the stored

dollar amount).

(see rationale supporting obviousness and motivation to combine of claim 1

above)

7.   **Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over**

Korman in view of Albrecht, in view of Norris and in further view of APA.

In reference to Claim 9:

The combination teaches:

(Original) The terminal of claim 8 (see rejection of claim 8 above), but does not explicitly teach wherein said processor is further operable to apply a template to selectively scan portions of the data source in obtaining the said session data. APA teaches that it is well known in the art to apply a template to selectively scan portions of the data source in so far as check or cash accepting terminals often use templates to identify where amounts, signatures, identifying symbols, etc are located so as to properly recognize or validate checks or cash. It would have been obvious to one having ordinary skill in the art to have provided the check and cash accepting features of Korman with the template feature of APA in order to have facilitated the processing the cash and checks accepted by Korman's invention.

Conclusion

8.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARY GREGG whose telephone number is (571)270-5050. The examiner can normally be reached on 4/10.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 5712726712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

9.   Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MMG

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